

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 7, 2007
SAN FRANCISCO, CALIFORNIA**

S148204 H028783 Sixth Appellate District

**PEOPLE v. MENTCH (ROGER
WILLIAM)**

Petition for review granted (criminal case)

In addition to the issues presented in the petition for review, the parties are directed to brief the additional question whether the defendant's burden to raise a reasonable doubt regarding the compassionate use defense (see *People v. Mower* (2002) 28 Cal.4th 457) is a burden of producing evidence under Evidence Code section 110 or a burden of proof under Evidence Code section 115. (See, e.g., Evid. Code, §§ 500, 501, 502, 550, and the Law Revision Commission Comments thereto; see also Pen. Code, § 189.5 and cases interpreting it, including *People v. Deloney* (1953) 41 Cal.2d 832, 841-842, *People v. Cornett* (1948) 33 Cal.2d 33, 42, and *People v. Loggins* (1972) 23 Cal.App.3d 597; and *People v. Frazier* (2005) 128 Cal.App.4th 807, 816-822.) In this regard, the parties should also discuss whether the trial court should instruct the jury on the defendant's burden to raise a reasonable doubt and, if so, how. (Compare CALJIC No. 12.24.1 (2005 Revision) with Judicial Council of Cal. Crim. Jury Instns. (2006-2007), CALCRIM No. 2363.)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, & Corrigan, JJ.

S148845 C050785 Third Appellate District

**PEOPLE v. FRENCH (WESLEY
DAVID)**

Petition for review granted (criminal case)

To facilitate expedited consideration and resolution of the issues presented, the court establishes the following briefing schedule: The opening brief on the merits shall be served and filed in the San Francisco office of the Supreme Court on or before February 28, 2007. Within 21 days after the opening brief on the merits is filed, the answer brief on the merits shall be served and filed in the San Francisco office of the Supreme Court. Within seven days after the answer brief on the merits is filed, a reply brief may be served and filed in the San Francisco office of the Supreme Court. Any person or entity wishing to file an amicus curiae brief must file an application for permission to file such brief, accompanied by the proposed brief, by March 21, 2007. Any amicus curiae brief accepted for filing will be considered by the court in reviewing each of the cases presenting issues related to the effect of the decision in *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. ____ [2007 WL 135687] and multiple copies of amicus briefs need not and should not be submitted in each case. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California*, *supra*.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148914 E039420 Fourth Appellate District, Div. 2 **PEOPLE v. PARDO (GARY MITCHELL)**

Petition for review granted (criminal case)

To facilitate expedited consideration and resolution of the issues presented, the court establishes the following briefing schedule: The opening brief on the merits shall be served and filed in the San Francisco office of the Supreme Court on or before February 28, 2007. Within 21 days after the opening brief on the merits is filed, the answer brief on the merits shall be served and filed in the San Francisco office of the Supreme Court. Within 7 days after the answer brief on the merits is filed, a reply brief may be served and filed in the San Francisco office of the Supreme Court. Any person or entity wishing to file an amicus curiae brief must file an application for permission to file such brief, accompanied by the proposed brief, by March 21, 2007. Any amicus curiae brief accepted for filing will be considered by the court in reviewing each of the cases presenting issues related to the effect of the decision in *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. __ [2007 WL 135687] and multiple copies of amicus briefs need not and should not be submitted in each case. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California*, *supra*.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148917 B187977 Second Appellate District, Div. 4 **PEOPLE v. SANDOVAL (AIDA)**

Petition for review granted (criminal case)

To facilitate expedited consideration and resolution of the issues presented, the court establishes the following briefing schedule: The opening brief on the merits shall be served and filed in the San Francisco office of the Supreme Court on or before February 28, 2007. Within 21 days after the opening brief on the merits is filed, the answer brief on the merits shall be served and filed in the San Francisco office of the Supreme Court. Within seven days after the answer brief on the merits is filed, a reply brief may be served and filed in the San Francisco office of the Supreme Court. Any person or entity wishing to file an amicus curiae brief must file an application for permission to file such brief, accompanied by the proposed brief, by March 21, 2007. Any amicus curiae brief accepted for filing will be considered by the court in reviewing each of the cases presenting issues related to the effect of the decision in *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. __ [2007 WL 135687] and multiple copies of amicus briefs need not and should not be submitted in each case. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California*, *supra*.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148974 D047682 Fourth Appellate District, Div. 1 **PEOPLE v. HERNANDEZ (JOEL)**
Petition for review granted (criminal case)

To facilitate expedited consideration and resolution of the issues presented, the court establishes the following briefing schedule: The opening brief on the merits shall be served and filed in the San Francisco office of the Supreme Court on or before February 28, 2007. Within 21 days after the opening brief on the merits is filed, the answer brief on the merits shall be served and filed in the San Francisco office of the Supreme Court. Within seven days after the answer brief on the merits is filed, a reply brief may be served and filed in the San Francisco office of the Supreme Court. Any person or entity wishing to file an amicus curiae brief must file an application for permission to file such brief, accompanied by the proposed brief, by March 21, 2007. Any amicus curiae brief accepted for filing will be considered by the court in reviewing each of the cases presenting issues related to the effect of the decision in *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. __ [2007 WL 135687] and multiple copies of amicus briefs need not and should not be submitted in each case. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California, supra*.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149247 B186622 Second Appellate District, Div. 1 **PEOPLE v. MVUEMBA (LANDU MICHAEL)**

Petition for review granted (criminal case)

To facilitate expedited consideration and resolution of the issues presented, the court establishes the following briefing schedule: The opening brief on the merits shall be served and filed in the San Francisco office of the Supreme Court on or before February 28, 2007. Within 21 days after the opening brief on the merits is filed, the answer brief on the merits shall be served and filed in the San Francisco office of the Supreme Court. Within seven days after the answer brief on the merits is filed, a reply brief may be served and filed in the San Francisco office of the Supreme Court. Any person or entity wishing to file an amicus curiae brief must file an application for permission to file such brief, accompanied by the proposed brief, by March 21, 2007. Any amicus curiae brief accepted for filing will be considered by the court in reviewing each of the cases presenting issues related to the effect of the decision in *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. __ [2007 WL 135687] and multiple copies of amicus briefs need not and should not be submitted in each case. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California, supra*.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149257 C048668/C049286 Third Appellate District

**STATE COMPENSATION
INSURANCE FUND v. W.C.A.B.
(SANDHAGEN)**

Petition for review granted (civil case)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S125677 B166312 Second Appellate District, Div. 4 **PEOPLE v. TOWNE (SHAWN)**
Supplemental briefing ordered.

The parties are directed to serve and file simultaneous supplemental briefs addressing the effect of *Cunningham v. California* (Jan. 22, 2007, No. 05-6551) 549 U.S. ___, 2007 WL135687, on any of the issues presented in this case. The court specifically requests that the supplemental briefs address the following issues: (1) Do *Cunningham v. California, supra*, and *Almendarez-Torres v. United States* (1998) 523 U.S. 224, 239-247, permit the trial judge to sentence defendant to the upper term based on any or all of the following aggravating factors, without submitting them to a jury: the defendant's prior convictions as an adult are numerous and of increasing seriousness; the defendant has served a prior prison term; the defendant was on parole when the crime was committed; the defendant's prior performance on probation or parole was unsatisfactory (California Rules of Court, Rule 4.421, subds. (b)(2) - (b)(5))? (2) Is there any violation of the defendant's Sixth Amendment rights under *Cunningham v. California, supra*, if the defendant is eligible for the upper term based upon a single aggravating factor that has been established by means that satisfy the governing Sixth Amendment authorities - by, for example, a jury finding, the defendant's criminal history, or the defendant's admission - even if the trial judge relies on other aggravating factors (not established by such means) in exercising his or her discretion to select among the three sentences for which the defendant is eligible? Supplemental briefs must be served and filed in the San Francisco office of this court no later than February 28, 2007, and simultaneous reply briefs may be served and filed in the San Francisco office of this court no later than March 9, 2007. Because it is important for the administration of justice that the trial courts of California be provided timely guidance, the court notes that its action in this case is not intended to dissuade the Legislature from promptly revising the existing California sentencing statutes in light of the United States Supreme Court's decision in *Cunningham v. California, supra*.

S147980 F048767 Fifth Appellate District**PEOPLE v. BROOKFIELD
(BYRON)**

Issues ordered limited

The issues to be briefed and argued in this matter, in which the court granted review on January 17, 2007, are limited to whether a violation of Penal Code section 246 (shooting at an inhabited dwelling) that is committed to benefit a criminal street gang (Pen. Code, § 186.22, subd. (b)(4)(B)), is a “felony punishable by . . . imprisonment in the state prison for life” (Pen. Code, § 12022.53, subd. (a)(17)), such that the sentence for the violation may be enhanced under subdivisions (b) and (e) of Penal Code section 12022.53 for a principal’s personal use of a firearm. (See *People v. Jefferson* (1999) 21 Cal.4th 86, 101; *People v. Briceno* (2004) 34 Cal.4th 451, 460, fn. 7.)

S148463 F047448 Fifth Appellate District**PEOPLE v. JONES (DANIEL
LAQUINN)**

Issues ordered limited

The issues to be briefed and argued in this matter, in which the court granted review on January 17, 2007, are limited to whether a violation of Penal Code section 246 (shooting at an inhabited dwelling) that is committed to benefit a criminal street gang (Pen. Code, § 186.22, subd. (b)(4)(B)), is a “felony punishable by . . . imprisonment in the state prison for life” (Pen. Code, § 12022.53, subd. (a)(17)), such that the sentence for the violation may be enhanced under subdivisions (b) and (e) of Penal Code section 12022.53 for a principal’s personal use of a firearm. (See *People v. Jefferson* (1999) 21 Cal.4th 86, 101; *People v. Briceno* (2004) 34 Cal.4th 451, 460, fn. 7.)

S148011 B185018 Second Appellate District, Div. 3**PEOPLE v. DUNSON
(TERRENCE)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Petitions for review granted.

Further action in this matter is deferred pending further order of the court.

(See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, & Corrigan, JJ.

S148112 B183555 Second Appellate District, Div. 6**PEOPLE v. BERRY (GEORGE
NICOLAS)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Petitions for review granted.

Further action in this matter is deferred pending further order of the court.

(See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, & Corrigan, JJ.

S148445 A108538 First Appellate District, Div. 2 **PEOPLE v. CRAWFORD
(DURELLE)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Petition for review granted.

Further action in this matter is deferred pending further order of the court.

(See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, & Corrigan, JJ.

S148728 F049177 Fifth Appellate District **PEOPLE v. DUNLAP (DWAYNE)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148743 B186332 Second Appellate District, Div. 6 **PEOPLE v. COFFMAN (DANIEL
RAY)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148788 G035624 Fourth Appellate District, Div. 3 **PEOPLE v. LUDWICK (EARL
RICHARD)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148789 B190245 Second Appellate District, Div. 1 **PEOPLE v. POWELL (LLOYD F.)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148819 A115284 First Appellate District, Div. 3 **CHEVRON U.S.A., INC. v. W.C.A.B. (LEE)**

Review granted/briefing deferred (8.512(d)(2) civil case)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Brodie v. W.C.A.B.*, S146979 and *Welcher v. W.C.A.B.*, S147030 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Kennard and Corrigan, JJ., are recused and did not participate.

Votes: George, C. J., Baxter, Werdegarr, Chin, and Moreno, JJ.

S148918 E039170 Fourth Appellate District, Div. 2 **PEOPLE v. SMITH (DWAYNE)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148927 B182924 Second Appellate District, Div. 3 **PEOPLE v. GREENWOOD (LEROY J.)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

Petition for review granted.

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148969 B189042 Second Appellate District, Div. 7 **PEOPLE v. THOMPSON**
(TYRONE)

Review granted/briefing deferred (8.512(d)(2) criminal case).

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148992 F048747 Fifth Appellate District **PEOPLE v. HERNANDEZ, JR.**
(MAURO)

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149022 B183720 Second Appellate District, Div. 4 **PEOPLE v. HOLDAWAY**
(ROBERT CARROLL)

Review granted/briefing deferred (8.512(d)(2) criminal case).

Petition for review granted.

Further action in this matter is deferred pending further order of the court.

(See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149122 C049116 Third Appellate District **PEOPLE v. SIACKSORN**
(SOMEPHONE)

Review granted/briefing deferred (8.512(d)(2) criminal case).

Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

- S149149** A112203 First Appellate District, Div. 5 **PEOPLE v. GUERRA (ORION)**
Review granted/briefing deferred (8.512(d)(2) criminal case).
Petition for review granted.
Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.
- S149196** F049345 Fifth Appellate District **PEOPLE v. GRAVES (RONALD EDWARD)**
Review granted/briefing deferred (8.512(d)(2) criminal case).
Petition for review granted.
Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.
Votes: George, C. J., Kennard, Baxter Werdegar, Chin, Moreno, & Corrigan, JJ.
- S149244** H028483 Sixth Appellate District **PEOPLE v. RESTO (LUIS ANTHONY)**
Review granted/briefing deferred (8.512(d)(2) criminal case).
Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.
- S149251** H029862 Sixth Appellate District **PEOPLE v. PLASCENCIA (JAIME A.)**
Review granted/briefing deferred (8.512(d)(2) criminal case).
Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S129989**JACKSON (NOEL) ON H.C.**

OSC issued, returnable in Superior Court (Atkins claim)

With respect to Claim A of petitioner's Petition for Writ of Habeas Corpus filed December 18, 2004, the Director of the Department of Corrections and Rehabilitation is ordered to show cause in the Riverside County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petition. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before March 9, 2007. Claims B and C of the petition are denied on the merits.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148180

G035173 Fourth Appellate District, Div. 3

FRANZMAN (RICHARD H.) ON H.C.

Petition for review granted; transferred to CA 4/3

The matter is transferred to the Court Appeal, Fourth Appellate District, Division Three. That court is ordered to vacate its denial order dated November 7, 2006, and is further directed to proceed to a disposition of the matter by means of a written opinion with reasons stated. (See, Cal. Const., art. VI, § 14; *People v. Romero* (1994) 8 Cal.4th 728, 740; answer to petition for review, filed December 14, 2006, p. 2.)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S143293

F048706 Fifth Appellate District

R. (MICHAEL), IN RE

Transferred to CA 5 after hold

Pursuant to Rule 8.528(d) of the California Rules of Court, this matter is transferred to the Court of Appeal for the Fifth Appellate District with directions to provide minor an opportunity to submit a supplemental brief, and to resolve the appeal in accordance with *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S034725**BURTON (ANDRE) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on August 30, 1993, is denied. Each claim is denied on the merits. The denial as to Claim XXV, to the extent it asserts that petitioner is mentally retarded and his execution would violate the Eighth Amendment, is without prejudice to filing a new petition and supporting documentation to comply with the requirements of *In re Hawthorne* (2005) 35 Cal.4th 40. In addition, Claims I, II, III, IV, V, VI (except subclaims J, K, and L), VII (except to the extent it depends on exhibits 13 through 15 to the petition), XII (except to the extent it alleges ineffective assistance of trial counsel at the special circumstance retrial), XIII, XV, XVII, XVIII, XIX (except to the extent it alleges sentencing under a constitutionally invalid law), XX (except subclaims

D, G, H, J, and L), XXI, XXII, XXIII, and XXIV are untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 782-787, 797-798.) To the extent they repeat claims raised and rejected on direct appeal, Claims III, XII (except to the extent it alleges ineffective assistance of trial counsel at the special circumstance retrial), XIII, XVII, XIX (except to the extent it alleges sentencing under a constitutionally invalid law) and XXIII are procedurally barred. (*In re Harris* (1993) 5 Cal.4th 813, 829-841; *In re Waltreus* (1965) 62 Cal.2d 218, 225.) To the extent they could have been, but were not, raised on direct appeal, Claims XVIII, XXI, and subclaim E of Claim VII are procedurally barred. (*In re Harris, supra*, 5 Cal.4th at pp. 825, fn. 3, 828-841; *In re Dixon* (1953) 41 Cal.2d 756, 759.) Claim XV, which could have been (but was not) raised in the trial court, is also procedurally barred. (*In re Seaton* (2004) 34 Cal.4th 197-201.) Werdegarr, J., would not apply the Seaton bar to Claim XV.

S147553 B181601 Second Appellate District, Div. 5 **PEOPLE v. MURPHY (DEVIN C.)**
Petitions for review denied.

S148030 B181574 Second Appellate District, Div. 1 **PEOPLE v. GREEN-DAVIS**
Petition for review denied. **(CRESIA DARCEL)**

S148045 H030726 Sixth Appellate District **FREEMAN (CLIFTON) ON H.C.**
Petition for review denied.

S148058 A111925 First Appellate District, Div. 2 **ELKINS (JEFFREY DAVID) ON**
Petition for review & depublication request denied. **H.C.**
Baxter, J., is of the opinion the petition should be granted.

S148061 B183773 Second Appellate District, Div. 4 **PEOPLE v. PERDOMO (NERI A.)**
Petition for review denied.

S148107 G034978 Fourth Appellate District, Div. 3 **PEOPLE v. AU (RENEE TAIYEAN)**
Petition for review denied.

S148148 C050300 Third Appellate District **PEOPLE v. KING (DEMARKAS**
S.)

Petitions for review denied.

S148159 F048663 Fifth Appellate District
(ROJELIO)
Petition for review denied.

PEOPLE v. BRIONES

S148178 F050407 Fifth Appellate District
Petition for review denied.

**BANKSTON (LEWIS DALE) ON
H.C.**

S148184 A111797 First Appellate District, Div. 4
Petition for review denied.

**PEOPLE v. LOPEZ (MARCO
ANTONIO ARCOS)**

S148187 B186687 Second Appellate District, Div. 4
Petition for review denied.
Kennard, J., is of the opinion the petition should be granted.

**PEOPLE v. GRANDY (CHARLES
WILLIAM)**

S148197 B183969 Second Appellate District, Div. 1
Petition for review denied.

**MAUGHAN (MARK G.) v.
GOOGLE TECHNOLOGY,
INC.**

S148198 B185939 Second Appellate District, Div. 7
Petition for review denied.

**PEOPLE v. FORD (ROBERT
LEE)**

S148210 H028964 Sixth Appellate District
Petition for review denied.

**PEOPLE v. CHEEK (MICHAEL
THOMAS)**

S148230 H028925 Sixth Appellate District

**PEOPLE v. GONZALEZ
(ARMANDO RUBEN)**

Petition for review denied.

S148237 H029472 Sixth Appellate District
Petition for review denied.

PEOPLE v. CLARK (ROBERT)

S148246 C051762 Third Appellate District
Petition for review denied.

**PEOPLE v. JOHNSON (ROYCE
LAVELL)**

S148247 C045690 Third Appellate District
Petitions for review denied.

PEOPLE v. LE (HONG DANG)

S148256 H028370 Sixth Appellate District
Petition for review denied.

PEOPLE v. LEON (DAVID)

S148266 C049686 Third Appellate District
Petition for review denied.

**PEOPLE v. WAGENER (R.
PEARCE)**

S148275 H030074 Sixth Appellate District
Petition for review denied.

LEON (DAVID) ON H.C.

S148276 B184504 Second Appellate District, Div. 4

Petition for review & depublication request denied.
Kennard, J., is of the opinion the petition should be granted.

**ALVAREZ (JOSE) v. MAY
DEPARTMENT STORES
COMPANY**

S148278 C053961 Third Appellate District

Petition for review denied.

**KNAPP (ERIC CHARLES
RODNEY) ON H.C.**

S148282 G035810 Fourth Appellate District, Div. 3

Petitions for review denied.

**PEOPLE v. GARCIA
(FRANCISCO RUVALCABA)**

S148285 C049734 Third Appellate District

Petition for review denied.

**PEOPLE v. SANCHEZ, JR.
(JUAN JOSE)**

S148287 B192696 Second Appellate District, Div. 1

Petition for review denied.

Kennard, Werdegar, and Moreno, JJ., are of the opinion the petition should be granted.

DANIEL (DEMETRIUS) ON H.C.

S148292 B183291 Second Appellate District, Div. 8

Petitions for review denied.

**PEOPLE v. BURTON (RUSSELL
RANTFORD)**

S148293 A109671 First Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. DAVIS (VICTOR
SAMUEL)**

S148300 H029456 Sixth Appellate District

Petition for review denied.

**PEOPLE v. ALMANZA
(RAFAEL)**

S148312 E037822 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. GURWELL (DAVID
BRIAN)**

S148321 D046438 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. RANSON (JOSEPH
E.)**

S148323 B187955 Second Appellate District, Div. 4

Petition for review denied.

**PEOPLE v. BLACKSHIRE
(JASON K.)**

S148335 A109378 First Appellate District, Div. 5

Petition for review denied.

PEOPLE v. MABON (TROY DOMINIC)

S148349 B184839 Second Appellate District, Div. 7

Petition for review denied.

PEOPLE v. FORD (GEORGE EDWARD)

S148366 A110881 First Appellate District, Div. 5

Petition for review denied.

PEOPLE v. COOPER (DAVID)

S148379 F049209 Fifth Appellate District

Petition for review denied.

PEOPLE v. HERNANDEZ (EDUARDO)

S148392 B186663 Second Appellate District, Div. 1

Petition for review denied.

PEOPLE v. BAY (JAMMIES)

S148402 D049186 Fourth Appellate District, Div. 1

Petition for review denied.

DEW (DAVID LEON) ON H.C.

S148421 H029498 Sixth Appellate District

Petition for review denied.

PEOPLE v. RICHARDSON (WAYNE KEITH)

S148422 A110193 First Appellate District, Div. 1

Petition for review denied.

PEOPLE v. BROOKS (RYAN EARL)

S148437 B182881 Second Appellate District, Div. 5

Petition for review denied.

DUBELKO (MICHAEL) v. ABDALLA (KENNETH)

S148449	D044550 Fourth Appellate District, Div. 1	AMERICAN MORTGAGE NETWORK v. LOANCITY.COM
Petition for review & publication request denied.		
S148538	B185442 Second Appellate District, Div. 8	PEOPLE v. ALVAREZ (OSCAR)
Petition for review denied.		
S148548	D045580 Fourth Appellate District, Div. 1	PEOPLE EX REL. SABINE (GLENN) v. BRAUN (LYNN)
Petition for review denied. The request for judicial notice granted.		
S148575	G035369 Fourth Appellate District, Div. 3	PEOPLE v. ENCISO (FAUSTO)
Petition for review denied.		
S148578	G034442 Fourth Appellate District, Div. 3	NIKO (UIKILIFI) v. FOREMAN (ROBYN)
Petition for review denied.		
S148579	B186949 Second Appellate District, Div. 2	BEARD (JOAN ELIZABETH), ESTATE OF
Petition for review denied.		
S148593	E041711 Fourth Appellate District, Div. 2	G. (ALEXANDER) ON H.C.
Petition for review denied.		
S148641	B179653/B186012 Second Appellate District, Div. 5	U.D. REGISTRY, INC. v. STATE OF CALIFORNIA
Petition for review denied. Kennard, J., is of the opinion the petition should be granted.		
S148659	D046849 Fourth Appellate District, Div. 1	PEOPLE v. JONES (STEVEN)
Petition for review denied.		
S148669	G036142 Fourth Appellate District, Div. 3	PEOPLE v. WILSON (LEROY SHACKLEFORD)

Petition for review denied.

S148671 B194982 Second Appellate District, Div. 6
Petition for review denied.

HERRERA (RAY JOHN) ON H.C.

S148691 B184513 Second Appellate District, Div. 1

**CALIFORNIA PODIATRIC
MEDICAL ASSOCIATION v.
KAISER FOUNDATION
HEALTH PLAN, INC.**

Petition for review denied.
Werdegarr, J., was recused and did not participate.

S148726 F049337 Fifth Appellate District

**PEOPLE v. TOLES, JR.
(DARREN LARAY)**

Petition for review denied.

S148738 033972/G034063 Fourth Appellate District, Div. 3

**CONKLE & OLESTEN v.
GOODRICH, GOODYEAR &
HINDS**

Petition for review denied.

S148739 G036556 Fourth Appellate District, Div. 3

**VALBUENA (STEPHEN) v. JAS
PACIFIC, INC.**

Petition for review denied.

S148750 H029307 Sixth Appellate District

**KATZ (AARON L.) v.
MOUNTAIN VIEW WHISMAN
SCHOOL DISTRICT**

Petition for review denied. The requests for an order directing publication of the opinion are denied.

S148760 F049798 Fifth Appellate District

B. (S.), IN RE

Petition for review denied. The request for an order directing publication of the opinion is denied.

S148781 B187048 Second Appellate District, Div. 5

**WATSON (LOUIS) v.
INTERINSURANCE EXCHANGE
OF THE AUTOMOBILE CLUB**

Petition for review & publication request denied.

S148841 F049508 Fifth Appellate District
Petition for review denied.

PEOPLE v. GOMEZ (ERIC)

S148864 H030331 Sixth Appellate District

**FRYS ELECTRONICS, INC. v.
W.C.A.B. (DARYABEGHI-
MOGHADAM)**

Petition for review denied.

S148880 A115315 First Appellate District, Div. 1

**ALLSTATE INSURANCE v.
W.C.A.B.**

Petition for review denied.
Chin, J., was recused and did not participate.

S148888 F048888 Fifth Appellate District

**VAN DER HOEK (ELIZABETH)
v. NATIONWIDE MUTUAL
INSURANCE COMPANY**

Petition for review denied.
Baxter, J., was recused and did not participate.

S148905 F048123 Fifth Appellate District

**ROBERTSON (FRANCIS D.) v.
FLEETWOOD TRAVEL
TRAILERS OF CALIFORNIA**

Petition for review denied.

S148913 A116060 First Appellate District, Div. 4

Petition for review denied.

**FELIZ (SANDRA TERZIAN) v.
S.C. (AJAMIAN)**

S148931 B186402 Second Appellate District, Div. 8

Petition for review & depublication request denied.

Petitioners' "Request for Judicial Notice," received December 19, 2006, is granted as to exhibits 1 and 2 to that request; it is denied as to exhibit 3 to that request. Petitioners' "Request for Judicial Notice in Support of Reply," received January 23, 2007, is granted. American Honda Motor Company's request for judicial notice is granted.

Kennard, J., is of the opinion the petition should be granted.

**DAUGHERTY (ELIZABETH A.)
v. HONDA MOTOR COMPANY
LTD.**

S148942 B187478/B101820 Second Appellate District, Div. 7 **P. (JAMES), IN RE**

Petition for review denied.

S148961 H029369 Sixth Appellate District

Petition for review denied.

**PEOPLE v. RODRIGUEZ
(RUSSELL GENE)**

S148967 B185532 Second Appellate District, Div. 8

Petition for review denied.

M. (STEVE), IN RE

S148968 B185913 Second Appellate District, Div. 4

Petition for review denied.

**PEOPLE v. GUEVARA
(RICARDO ALFREDO)**

S148970 H029318 Sixth Appellate District

Petition for review denied.

George, C. J., was recused and did not participate.

**ASTRIN (ARTHUR) v. APPLE
COMPUTER, INC.**

S148983

**HARTNETT (JOHN G.) v. STATE
BAR OF CALIFORNIA**

Petition for writ of review denied.

S148985 B193606 Second Appellate District, Div. 1

Petition for review and application for stay denied.

**PEOPLE v. SIMMS (ANTOINE
RAMONE)**

S148994 C051722 Third Appellate District

Petition for review denied.

**LEVI (LEILA J.) v. O'CONNELL
(JACK)**

S148997 H028565 Sixth Appellate District

Petitions for review denied.

**PEOPLE v. HARVEY (LEON
RENEE)**

S148998 C053832 Third Appellate District

Petition for review denied.

**WHITE (STEVEN J.) v. W.C.A.B.
(CITY OF BERKELEY POLICE
DEPT.)**

S149007 A109202 First Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. FISHER (RUDOLPH
SAMUEL)**

S149011 B193320 Second Appellate District, Div. 2

Petition for review denied.

**BROWN (DONALD) v. W.C.A.B.
(VONS COMPANIES, INC.)**

S149012 B195319 Second Appellate District, Div. 2

Petition for review denied.

**MANTRA FILMS, INC. v. S.C.
(MECZKA MARKETING
RESEARCH)**

S149013 C050670 Third Appellate District

Petition for review denied.

**PEOPLE v. RODRIGUEZ
(DOMINIC)**

S149017 C050076 Third Appellate District

Petition for review denied.

PEOPLE v. PEPPER (GREGORY ALLEN)

S149023 B187715 Second Appellate District, Div. 1

Petition for review denied.

PEOPLE v. WASHINGTON (DANNY)

S149026 H028989 Sixth Appellate District

Petition for review denied.

PEOPLE v. BLAN (JEFFREY JEROME)

S149027 H028229 Sixth Appellate District

Petition for review denied.

PEOPLE v. QUEZADA (JUAN CARLOS)

S149032 B190234 Second Appellate District, Div. 5

Petition for review denied.

PEOPLE v. KIM (MYONG SOO)

S149034 H029954 Sixth Appellate District

Petition for review denied.

B. (CELESTINO), IN RE

S149042 B186193 Second Appellate District, Div. 6

Petition for review denied.

PEOPLE v. REVIS (ANDRE LAMAR)

S149044 C051136 Third Appellate District

Petition for review denied.

PEOPLE v. EDWARDS (DALE LEONARD)

S149049 B185590 Sixth Appellate District

Petition for review denied.

PEOPLE v. RUEDA (DAVID CRUZ)

S149051 C050536 Third Appellate District

Petition for review denied.

PEOPLE v. HOLDMAN (JASON TYRONE)

S149052 B186922 Second Appellate District, Div. 7
Petition for review denied.

PEOPLE v. JETER (TRAMAINÉ)

S149053 B183812 Second Appellate District, Div. 5
Petition for review denied.

A. (EDUARDO), IN RE

S149057 H029534 Sixth Appellate District

Petition for review denied.

PEOPLE v. CLAYTON (LYVON EUGENE)

S149058 F047198 Fifth Appellate District

Petition for review denied.

PEOPLE v. ANCHONDO (GABRIEL MORALES)

S149062 A112979 First Appellate District, Div. 5

Petition for review denied.

SINGH (JAMES) v. CITY OF OAKLAND

S149063 D048200 Fourth Appellate District, Div. 1
Petition for review denied.

B. (TERRANCE), IN RE

S149064 B190204 Second Appellate District, Div. 1
Petition for review denied.

PEOPLE v. SHARIF (MUNIR)

S149069 G036511 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. DICKSON, JR. (THOMAS)

S149074 F051725 Fifth Appellate District

Application for stay and petition for review denied.

**ALVARADO (JIMMY MENDEZ)
v. S.C. (PEOPLE)**

S149076 B195020 Second Appellate District, Div. 2

Petition for review denied.

**SMITH (TONY L.) v. LOS
ANGELES COUNTY SHERIFFS
DEPARTMENT (PEOPLE)**

S149077 H030029 Sixth Appellate District

Petition for review denied.

B. (EDWARD), IN RE

S149080 A116027 First Appellate District, Div. 4

Petition for review denied.

**IMPERIAL TOBACCO
CANADA, LTD. v. S.C. (HOPKINS)**

S149088 G035738 Fourth Appellate District, Div. 3

Petition for review denied.

A. (CHRISTOPHER), IN RE

S149091 D047097 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. HERNANDEZ
(ISMAEL S.)**

S149092 E037679 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. PALOMINO
(ROBERT F.)**

S149095 F050375 Fifth Appellate District

Petition for review denied.

C. (DOMINIQUE), IN RE

S149096 B195444 Second Appellate District, Div. 7

Petition for review denied.

**BRACE (ROBERT ALAN) ON
H.C.**

S149102 E039080 Fourth Appellate District, Div. 2

L. (DAVID), IN RE

Petition for review denied.

S149103 B195312 Second Appellate District, Div. 8

**FLORES (BENITO) v. S.C.
(PEOPLE)**

Petition for review denied.

S149104 B188750 Second Appellate District, Div. 7

**BLECHMAN (DANIEL) v.
UNITED STATES LIFE
INSURANCE COMPANY**

Petition for review denied.

S149108 B187969 Second Appellate District, Div. 1

**PEOPLE v. WATTS (JOHN
LYLE)**

Petition for review denied.

S149113 E039552 Fourth Appellate District, Div. 2

**PEOPLE v. IVINS (JAMES
ALLEN)**

Petition for review denied.

S149119 A113733 First Appellate District, Div. 5

**LAMPERTI (ANTHONY) v. U. S.
BANCORP**

Petition for review denied.

S149120 A111985 First Appellate District, Div. 1

PEOPLE v. LEWIS (RAYMOND)

Petition for review denied.

S149124 B185427 Second Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. RANGER
INSURANCE COMPANY**

S149133 D047179 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. BERTHEY (OTIS
TELBERT)**

S149134 G036212 Fourth Appellate District, Div. 3
(MARCIAL)

Petition for review denied.

PEOPLE v. PELAYO

S149135 B188301 Second Appellate District, Div. 5

Petition for review denied.

**PEOPLE v. VICTORIA
(GREGORIO A.)**

S149137 G035529 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. VILLANUEVA
(ANTONIO)**

S149138 B189349 Second Appellate District, Div. 4
Petition for review denied.

R. (TYLER), IN RE

S149141 H030375 Sixth Appellate District

Petition for review denied.

**HOGG (DEBBIE) v. W.C.A.B.
(S.C.I.F.)**

S149142 B186555 Second Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. ESPINOSA
(MICHAEL)**

S149143 H028515 Sixth Appellate District

Petition for review denied.

**PEOPLE v. GUTIERREZ
(MICHAEL DAVID)**

S149146 H030165 Sixth Appellate District
Petition for review denied.

B. (K.), IN RE

S149147 A111737 First Appellate District, Div. 1
Petition for review denied.

PEOPLE v. WIGFALL (EULIE)

S149151 B192440 Second Appellate District, Div. 1
Petition for review denied.

**READY PAC PRODUCE, INC. v.
S.C. (SANDOVAL)**

S149152 H030429 Sixth Appellate District
Petition for review denied.

BLAN (JEFFREY) ON H.C.

S149156 B179848 Second Appellate District, Div. 2
Petition for review & depublication request denied.

**FIELDS (O'GREATA L.) v.
YUSUF (FRANK M.)**

S149158 F049745 Fifth Appellate District
Petition for review denied.

**PEOPLE v. GONZALEZ (ALEX
JOE)**

S149162 E039508 Fourth Appellate District, Div. 2
Petition for review denied.

**PEOPLE v. JONES (JAMES
GREGORY)**

S149168 B187623 Second Appellate District, Div. 8
Petition for review denied.

**PEOPLE v. AISPURO (JOSE
ROBERTO)**

S149170 F049242 Fifth Appellate District
Petition for review denied.

PEOPLE v. LINDSEY (JERRY)

S149171 C054189 Third Appellate District

AARON (BUCK) ON H.C.

Petition for review denied.

S149172

Petition for writ of mandate/prohibition denied.

S149177 109627/A110027 First Appellate District, Div. 2

Petition for review denied.

S149179 C051020 Third Appellate District

Petition for review denied.

S149186 A115446 First Appellate District, Div. 5

Petition for review denied.

S149187 F048251 Fifth Appellate District

Petition for review denied.

Baxter, J., was recused and did not participate.

S149188 B186145 Second Appellate District, Div. 1

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Palacios*, S132144.

S149189 C051025 Third Appellate District

Petition for review denied.

S149197 B183873 Second Appellate District, Div. 1

PEOPLE v. JUAREZ (RIGOBERTO)

TURNER (TYRONE T.) v. CA 6 (PEOPLE)

PEOPLE v. TAYLOR (JOEL MANUEL)

PEOPLE v. ROBINSON (JEREMY MICHAEL)

BROWN (TERRY) v. W.C.A.B. (PORT OF OAKLAND)

PEOPLE v. WOODARD (TERRELL JAMISON)

PEOPLE v. RICHARDS (RAYSHAWN)

PEOPLE v. FULFORD (MATTHEW JAMES)

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Izaguirre*, S132980. and *People v. Palacios*, S132144.

S149203 C052399 Third Appellate District

Petition for review denied.

PEOPLE v. LOCKETT (DEBRA ANN)

S149208 G035305 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. VEGA (RICHARD STEVEN)

S149210 G035374 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. QUIDACHAY (JOE ARCEO)

S149213 A113980 First Appellate District, Div. 5

Petition for review denied.

PEOPLE v. TAGGART (JESTER LEE)

S149218 C051018 Third Appellate District

Petition for review denied.

PEOPLE v. STEIN (MOSHE ISAAC)

S149226 C049326 Third Appellate District

Petition for review denied.

PEOPLE v. HILL (DERRICK LAMONT)

S149229 F049971 Fifth Appellate District

Petition for review denied.

V. (ROBERTO), IN RE

S149234 A114541 First Appellate District, Div. 4
Petition for review denied.

H. (KAYLA), IN RE

S149245 E036838 Fourth Appellate District, Div. 2
Petition for review denied.

**HICKMAN (JIMMY) v. LITTLE
LEAGUE BASEBALL, INC.**

S149249 F048775 Fifth Appellate District
Petition for review denied.

**PEOPLE v. BLAND (SPURGEON
LEE)**

S149254 H029789 Sixth Appellate District
Petition for review denied.

W. (KEVIN), IN RE

S149266 B187830 Second Appellate District, Div. 6
Petition for review denied.

**PEOPLE v. RIVERA (LOUIS
WILLIAM)**

S149274 D047252 Fourth Appellate District, Div. 1
Petition for review denied.

**PEOPLE v. SALZMAN (ROBERT
A.)**

S149277 H030785 Sixth Appellate District
Petition for review denied.

TURNER (TYRONE T.) ON H.C.

S149278 E039352 Fourth Appellate District, Div. 2
Petition for review denied.

**PULLEN (ROBERT) v.
STANDARD DRYWALL, INC.**

S149282 A116219 First Appellate District, Div. 3
Petition for review and application for stay denied.

**WATTS REGULATOR
COMPANY v. S.C. (TACKITT)**

S149311 B195133 Second Appellate District, Div. 2

SOTO (JOSE) ON H.C.

Petition for review denied.

S149319 H030968 Sixth Appellate District

Petition for review denied.

**PEOPLE v. ARTEAGA
(LORENZO)**

S149333 B185988 Second Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. SIBLEY (REGINALD
KOVAL)**

S149380 B195835 Second Appellate District, Div. 3

Application to transfer denied.

**MENDOZA (ROSA) v. STATE OF
CALIFORNIA**

S149395 B195806 Second Appellate District, Div. 5

Petition for review and application for stay denied.

**REED (CHARLES) v. S.C.
(PEOPLE)**

S149428 B185037 Second Appellate District, Div. 6

Petition for review denied.

**PEOPLE v. RIVERA (LOUIS
WILLIAM)**

S149430 H030851 Sixth Appellate District

Petition for review and application for stay denied.

**CHATZIS (CHRISTOFILIS) v.
S.C. (PEOPLE)**

S149554 D049526 Fourth Appellate District, Div. 1

Petition for review and application for stay denied.

**ESCONDIDO, CITY OF v. S.C.
(NASTICH)**

S149822 D050135 Fourth Appellate District, Div. 1
DWAYNE)

Petition for review and application for stay denied.

S150001 C054588 Third Appellate District

Petition for review and application for stay denied.

S141661

Petition for writ of habeas corpus denied.

S142007

Petition for writ of habeas corpus denied.

S144054

Petition for writ of habeas corpus denied.

S144094

Petition for writ of habeas corpus denied.

S144098

Petition for writ of habeas corpus denied.

S144575

Petition for writ of habeas corpus denied.

S144668

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S144685

**ASHFORD (EDWARD
v. S.C. (C.D.C.R.)**

**JOHNSON (RON L.) v. MILLER
(SYLVESTER J.)**

**DAVENPORT (MARK
GREGORY) ON H.C.**

LEWIS (CHARLES W.) ON H.C.

EICHLER (DWAYNE) ON H.C.

**KHALAFALA (KHALAFALA)
ON H.C.**

**GALLEGOS (FELICIANO) ON
H.C.**

DIBLASI (ROBERT) ON H.C.

MAJOR (LEE E.) ON H.C.

WOODS (WAYNE) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S144686

FERRIS (TIMOTHY JERRY) ON H.C.

Petition for writ of habeas corpus denied.

S144714

FRANKS, JR. (RAYMOND) ON H.C.

Petition for writ of habeas corpus denied.

S144762

CORTEZ (JESUS MELITHON) ON H.C.

Petition for writ of habeas corpus denied.

S144782

FLYNN (PATRICK HENRY) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S144794

DEPONTE (DAVID) ON H.C.

Petition for writ of habeas corpus denied.

S144823

HUNTER (JOHN D.) ON H.C.

Petition for writ of habeas corpus denied.

S144824

FREGOSO (ANTHONY) ON H.C.

Petition for writ of habeas corpus denied.

S144832

HENSON (THOMAS A.) ON H.C.

Petition for writ of habeas corpus denied.

S144839

GREEN (CEDRIC TYRON) ON H.C.

Petition for writ of habeas corpus denied.

S144847

Petition for writ of habeas corpus denied.

THATCHER (DAVID) ON H.C.

S144850

Petition for writ of habeas corpus denied.

BROWN (MARLOWE) ON H.C.

S144871

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

DYKES (JOHNNY) ON H.C.

S144873

Petition for writ of habeas corpus denied.

SEFELDEEN (KAMAL A.) ON H.C.

S144899

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

BELL (RICO) ON H.C.

S144972

Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)

MAGGARD (JASON ALLEN) ON H.C.

S144974

Petition for writ of habeas corpus denied.

CHATTMAN (ELMO) ON H.C.

S145000

Petition for writ of habeas corpus denied.

PANIAGUA (MANUEL H.) ON H.C.

S145004

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

WARREN (CLARENCE) ON H.C.

S145022**WILSON (WALTER HOWARD)
ON H.C.**

Petition for writ of habeas corpus denied.

S145023**BAXTER (MARK) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S145024****DO (THANH VAN) ON H.C.**

Petition for writ of habeas corpus denied.

S145025**JAMISON (LUTHER) ON H.C.**

Petition for writ of habeas corpus denied.

S145026**HILL (DARRYL WAYNE) ON
H.C.**Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

Corrigan, J., was recused and did not participate.

S145058**MILES (ROBERT F.) ON H.C.**Petition for writ of habeas corpus denied. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S145059****STEPHENSON (DALMONT) ON
H.C.**

Petition for writ of habeas corpus denied.

S145060**ROBBINS (FRANCIS) ON H.C.**

Petition for writ of habeas corpus denied.

S145063**MOTEN (JESSE T.) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145070**WARD (ELIZABETH L.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145072**SANCHEZ (RUBEN) ON H.C.**

Petition for writ of habeas corpus denied.

S145073**TOLEDO (RIGOBERTO F.) ON H.C.**

Petition for writ of habeas corpus denied.

S145080**ESPARZA (DAVID TORREZ) ON H.C.**

Petition for writ of habeas corpus denied.

S145111**WILLIAMS (ANTONIO LUIS) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145114**VINES (MONTRELL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Corrigan, J., was recused and did not participate.

S145115**SINGLETON (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S145116**PINEDA (JOSE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S145124**MEDRANO (ROGELIO) ON H.C.**

Petition for writ of habeas corpus denied.

S145127**ALLEN (KELVIN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S145130**ONTIVEROS (ED) ON H.C.**

Petition for writ of habeas corpus denied.

S145131**CULLER (JERRYAL JEROME)
ON H.C.**

Petition for writ of habeas corpus denied.

S145134**ELLIS (BENJAMIN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S145139**HAWKINS III (HOMER EARL)
ON H.C.**

Petition for writ of habeas corpus denied.

S145141**SERRANO (ABUDEL JIMENEZ)
ON H.C.**

Petition for writ of habeas corpus denied.

S145142**MARTIN (KENNETH RAY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145143**ALLEN (JOVAUGHN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145150**HAYES (ALBERT) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S145153**FRANKLIN (ERNERST) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S145160**JAMES (LAMONT) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S145165**RATLIFF (DE'VERON J.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

S145184**PINEDA (HOMERO) ON H.C.**

Petition for writ of habeas corpus denied.

S145189**AIROSO (JEFFREY RICHARD) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)

S145192**ALFORD (RICKEY LOUIS) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145202

MARTIN (AARON) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

S145205

AUBREY (ELMER) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S145208

BLANCO (OSCAR A.) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145211

JOHNSON (TREVOR) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S145226

**VALENZUELA (GEORGE
ARLIS) ON H.C.**

Petition for writ of habeas corpus denied.

S145243

PULIDO (CARLOS H.) ON H.C.

Petition for writ of habeas corpus denied.

S145252

BLAJOS (RUBEN) ON H.C.

Petition for writ of habeas corpus denied.

S145253**ALFORD (RICKEY LOUIS) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145254**MACK (ALVIN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S145255**FALU (JOSE) ON H.C.**

Petition for writ of habeas corpus denied.

S145262**ELLINGTON (MARCUS RUBEN)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734.)

S145263**THOMSON (WALLACE JOHN)
ON H.C.**

Petition for writ of habeas corpus denied.

S145265**DUVARDO (JEFFREY LEE) ON
H.C.**

Petition for writ of habeas corpus denied.

S145269**DOTSON (CLOPHER) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750.)

S145274**GREEN (MELVIN JAMES) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S145292**CONNER (MICHAEL O.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S145296**TREGLIA (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied.

S145300**HAIL (RICHARD O.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S145312**PLUMMER (WILLIAM) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145319**ATTERBURY (DANNY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734, 735; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145320**RIVERA (ALEJANDRO) ON H.C.**

Petition for writ of habeas corpus denied.

S145321**WILLIAMS (PLUMMER) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145326**WHITEHEAD (KEVIN) ON H.C.**

Petition for writ of habeas corpus denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145329**GARFIELD (JOHN F.) ON H.C.**

Petition for writ of habeas corpus denied.

S145332**GREEN (JASON LAMONT) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

S145334**MITCHELL (CLEVELAND) ON
H.C.**

Petition for writ of habeas corpus denied.

S145340**GARCIA)****SANTANA (GERARDO
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145349**NAFF (CHAUNCY) ON H.C.**

Petition for writ of habeas corpus denied.

S145353**LYON (MARK JAMES) ON H.C.**

Petition for writ of habeas corpus denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S145354**LEE (ELMER WALTON) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145372**BISHOP (NICK LEE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145396**BURKLEY (ALBERT) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S145406**BRADFORD (RAYMOND A.) ON H.C.**

Petition for writ of habeas corpus denied.

S145433**OWENS (DERRICK DE'SHUN) ON H.C.**

Petition for writ of habeas corpus denied.

S145447**WILLIAMSON (JAMES) ON H.C.**Petition for writ of habeas corpus denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S145489****NAKAUNICINA (SOLOVENI) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S145498****LEE (ANTHONY J.) ON H.C.**

Petition for writ of habeas corpus denied.

S145511**JACKSON (TYRONE) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S145518****STANFIELD (DONALD) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S145524****HOPKINS (RANDELL ALBERT) ON H.C.**

Petition for writ of habeas corpus denied.

S145544**RODRIGUEZ (CHRISTIAN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145548**CARR (ANDRE TYRONE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S145558**PADILLA (ALBERT ANDREW) ON H.C.**

Petition for writ of habeas corpus denied.

S145561**SANTIAGO (GABRIEL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145563**EQUARTE (RONALD) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S145586**WEEMS (EUGENE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145607**HILL (ALBERT) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S145662**MAXWELL (DONNY E.) ON H.C.**

Petition for writ of habeas corpus denied.

S145674**ALLEN (GARY VAN) ON H.C.**

Petition for writ of habeas corpus denied.

S145691**EVANS (CADERIAS
RAYONDRE) ON H.C.**

Petition for writ of habeas corpus denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145693**CALMESE (WILLIAM) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145727**BROWN (MICHAEL J.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145745**RILEY (ALBERT L.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S145748**CAMPBELL (EUGENE) ON H.C.**

Petition for writ of habeas corpus denied.

S145757**HILL (EUGENE) ON H.C.**

Petition for writ of habeas corpus denied.

S145777**LUCKY (DOUGLAS) ON H.C.**

Petition for writ of habeas corpus denied.

S145798**FERREL (MARK) ON H.C.**

Petition for writ of habeas corpus denied.

S145804**WILLIAMS (MICHAEL J.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145807**QUISPE (CESAR AGOSTO) ON H.C.**

Petition for writ of habeas corpus denied.

S145850**GATICA (RICHARD) ON H.C.**

Petition for writ of habeas corpus denied.

S145851**GATICA (RICHARD ANDREW) ON H.C.**

Petition for writ of habeas corpus denied.

S145852**GATICA (RICHARD ANDREW) ON H.C.**

Petition for writ of habeas corpus denied.

S145865**JOHNSON (RICHARD) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145869**COPELAND (DAVID) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S145873**WILLS (DALE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Corrigan, J., was recused and did not participate.

S145888**OWENS (CLAUDE L.) ON H.C.**

Petition for writ of habeas corpus denied.

S146707**SAUCEDO (ISIDRO) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

S146859

**CONNSERO (MICHAEL) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S147428

STRACK (KEVIN T.) ON H.C.

Petition for writ of habeas corpus denied.

S147522

HUNTER (JOHN D.) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

S147689

STRACK (KEVIN) ON H.C.

Petition for writ of habeas corpus denied.

S147810

MINCY (JOSEPH) ON H.C.

Petition for writ of habeas corpus denied.

S147924

**CONNSERO (MICHAEL) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S148257

**CALDWELL (CURTIS ANDRE)
ON H.C.**

Petition for writ of habeas corpus denied.

S148387

ROMERO (JESSE) ON H.C.

Petition for writ of habeas corpus denied.

S148461

**ROSENBALM (VINCENT) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S148718

**ROSENBALM (VINCENT) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

S148906

POLLEY (STEPHEN) ON H.C.

Petition for writ of habeas corpus denied.

S148989

**ROBINSON (GEORGE H.) ON
H.C.**

Petition for writ of habeas corpus denied.

S149079

DELONG (WARREN E.) ON H.C.

Petition for writ of habeas corpus denied.

S149201

ROMERO (JESSE) ON H.C.

Petition for writ of habeas corpus denied.

S149317

**BURTON (TIMOTHY JOEL) ON
H.C.**

Petition for writ of habeas corpus denied.

S149338

**ROSENBALM (VINCENT) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S149353

**PLUMMER (WILLIAM PIERCE)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S149438**SCHIVERS (MARVIN D.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S149453**HAWKINS III (HOMER EARL) ON H.C.**

Petition for writ of habeas corpus denied.

S149458**TAYLOR (BRYAN N.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter* (1979) 25 Cal.3d 921.)

S149463**SOK (SOUPHANARETH) ON H.C.**

Petition for writ of habeas corpus denied.

S149482**LEE (ANTHONY J.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

S149488**HOLLIS (VERNON SYID) ON H.C.**

Petition for writ of habeas corpus denied.

S149543**PYRTKO (RICHARD M.) ON H.C.**

Petition for writ of habeas corpus denied.

S148433

B184624 Second Appellate District, Div. 2

FIRST NATIONAL INSURANCE COMPANY OF AMERICA v. LAWTON (MICHELLE)

Publication request denied (case closed).

S148451 C052052 Third Appellate District

**TYLER (BARBARA) v.
UNIGARD INSURANCE
COMPANY**

Publication request denied (case closed).

S148668 B186515 Second Appellate District, Div. 4

**AMERICAN ENVIRONMENTAL
SAFETY INSTITUTE v.
PROCTOR & GAMBLE
DISTRIBUTING COMPANY**

Publication request denied (case closed).

Chin and Kennard, JJ., are recused and did not participate.

S148740 B185364 Second Appellate District, Div. 1

**MEHTA (ANIL) v.
METROPOLITAN LIFE
INSURANCE COMPANY**

Publication request denied (case closed).

S148786 E039735 Fourth Appellate District, Div. 2

**VAUGHN (LEON E.) v. GAREN
(CLARK)**

Publication request denied (case closed).

S148824 B187600 Second Appellate District, Div. 2

**SWISS REINSURANCE
AMERICA CORPORATION v.
S.C. (GARAMENDI)**

Publication request denied (case closed).

Corrigan, J., was recused and did not participate.

S149183 F050003 Fifth Appellate District

D. (D), IN RE

Depublication request denied (case closed).

S149411 B188831 Second Appellate District, Div. 8

LEE (WEN) ON H.C.

Depublication request denied (case closed).

S149582

**PEOPLE v. AVILA (MICHAEL
C.)**

Publication request denied (case closed).

S049596

**PEOPLE v. BRYANT
(STANLEY), SMITH (DONALD
FRANKLIN) & WHEELER
(LEROY)**

Extension of time granted to April 2, 2007, to file appellant Bryant's reply brief. After that date, only two further extensions totaling about 75 additional days will be granted. Extension is granted based upon Assistant State Public Defender Kathleen M. Scheidel's representation that she anticipates filing that brief by June 14, 2007.

S049741

**PEOPLE v. SUFF (WILLIAM
LESTER)**

Extension of time granted to April 9, 2007, to file the respondent's brief. After that date, only two further extensions totaling about 85 additional days are contemplated. Extension is granted based upon Deputy Attorney General Erika Hiramatsu's representation that she anticipates filing that brief by June 30, 2007.

S061026

**PEOPLE v. McCURDY (GENE
ESTEL)**

Extension of time granted to April 2, 2007, to file the appellant's reply brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon Deputy State Public Defender Gary D. Garcia's representation that he anticipates filing that brief by September 27, 2007.

S068536

**PEOPLE v. McWHORTER
(RICHARD ALLEN)**

Good cause appearing and based upon counsel David S. Adams's representation that he anticipates filing the appellant's reply brief by April 16, 2007, counsel's request for an extension of time in which to file that brief is granted to April 16, 2007. After that date, no further extension is contemplated.

S079179

**PEOPLE v. BACON (ROBERT
ALLEN)**

Extension of time granted to February 16, 2007, to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Catherine McBrien's representation that she anticipates filing that brief by February 16, 2007.

S087533**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted to April 10, 2007, to file appellant Byron Wilson's opening brief. After that date, only three further extensions totaling about 160 additional days are contemplated. Extension is granted based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing that brief by November 19, 2007.

S147647**MICHAELS (KURT) ON H.C.**

Extension of time granted to April 2, 2007, to file the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Bradley A. Weinreb's representation that he anticipates filing that document by April 2, 2007.

S141502

B169805 Second Appellate District, Div. 5

**GENTRY (ROBERT) v. S.C.
(CIRCUIT CITY STORES, INC.)**

Application to appear as counsel pro hac vice granted.

S018909**PEOPLE v. YOUNG (ROBERT)**

Counsel appointment order filed.

Good cause appearing, the application of appointed counsel Wesley A. Van Winkle for the appointment of associate counsel, filed January 22, 2007, is granted. David L. Andersen is hereby appointed as associate counsel of record to represent petitioner Robert Young for matters related to the evidentiary hearing (see *In re Robert Young on Habeas Corpus*, S115318), pursuant to rule 8.605(g) of the California Rules of Court.

S070250**PEOPLE v. JOHNSON
(MICHAEL RAYMOND)**

Withdrawal of counsel allowed by order.

Good cause appearing, the application of appointed counsel for permission to withdraw as habeas corpus/executive clemency counsel of record for appellant Michael Raymond Johnson, filed January 17, 2007, is granted. The order appointing Anthony J. Dain to serve as appellate and habeas corpus/executive clemency counsel of record for appellant Michael Raymond Johnson in the above automatic appeal now pending in this court, filed September 25, 2002, is hereby vacated as to the habeas corpus/executive clemency representation. Dain continues to be responsible for all remaining appellate duties set forth in the Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 3, standards 1-1 and 2-1. On the court's own motion, the Habeas Corpus Resource Center is hereby appointed to represent appellant Michael Raymond Johnson for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court. Dain is hereby directed to deliver to Michael Laurence, Executive Director of the Habeas Corpus Resource Center, within 30 days from the filing of this order, a copy of the combined record on appeal, and the originals of all habeas corpus investigation work product, trial files, trial transcripts, investigation reports, and related habeas corpus materials that he has obtained from appellant Michael Raymond Johnson or his trial counsel, paralegals, experts and investigators, or from any other source.

S070250**PEOPLE v. JOHNSON
(MICHAEL RAYMOND)**

Order filed.

In conjunction with the order filed this day permitting Anthony J. Dain to withdraw as appointed habeas corpus/executive clemency counsel of record for appellant Michael Raymond Johnson, with regard to the above-referenced automatic appeal now pending in this court, Dain is ordered to reimburse this court the sum of \$44,000, subject to his ability to demonstrate to the court that he should be credited, as appropriate, for habeas corpus "work performed that is determined by the court to be of value to the court." (See Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in Cal. Supreme Ct., guideline 11 ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel"], subpt. B.) Upon Dain's timely and satisfactory completion of his on-going obligations with regard to the appellate representation of appellant Michael Raymond Johnson, the court will permit him to satisfy such reimbursement order from future appellate fixed fee progress payments in this case to which he would otherwise become entitled.

S142741**CLARK (ROYAL) ON H.C.**

Order filed.

Because of the unusual circumstances presented, petitioner's "Application for Leave to Amend Claim Four in Petition for Writ of Habeas Corpus" filed on September 20, 2006, is granted. The clerk is directed to strike Claim Four of the petition for writ of habeas corpus filed on April 19, 2006. The clerk is further directed to file Exhibit A of petitioner's application as Claim Four of the petition.

S107508**VALDEZ (ALFREDO REYES)
ON H.C.**

Reference hearing ordered.

THE COURT:

In the matter of *Alfredo Reyes Valdez on Habeas Corpus*, S107508 (Superior Court of California, County of Los Angeles, No. KA007782), good cause appearing, the court orders the Presiding Judge of the Superior Court of California, County of Los Angeles to select a judge of that court to sit as a referee in this proceeding, and to promptly notify this court of the referee selected. After appointment by this court, the referee, after proper notice to the parties, is directed promptly to hold an evidentiary hearing and to make findings on the following questions:

1. Why did petitioner's trial counsel not introduce evidence at the guilt phase of the trial that the blood on the pants seized from the Monte Carlo automobile had been tested by the prosecution and found not to have come from the victim and did this reason constitute a reasonable tactical choice by trial counsel?
2. Why did petitioner's trial counsel not attempt to introduce at the guilt phase of the trial the proffered evidence regarding Liberato Gutierrez to show that Gutierrez may have murdered and/or robbed the victim and did this reason constitute a reasonable tactical choice by trial counsel?
3. Did petitioner's trial counsel provide ineffective assistance of counsel by failing to adequately investigate and present evidence in mitigation during the penalty phase as alleged in subclaim H of the petition?
4. Why did petitioner's trial counsel not attempt to introduce at the penalty phase of the trial the proffered evidence regarding Liberato Gutierrez to show that Gutierrez may have murdered and/or robbed the victim and did this reason constitute a reasonable tactical choice by trial counsel? It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and of the findings of fact made. Any requests for discovery in this matter should be addressed to the referee. (See *In re Scott* (2003) 29 Cal.4th 783, 814.)

S148134

Petition denied

(accusation)

OLIVIER, ACCUSATION OF**S148161**

Petition denied

(accusation)

BARBER, ACCUSATION OF**S148363**

Petition denied

(accusation)

CHHOR, ACCUSATION OF**S148397**

Petition denied

(accusation)

BUKETOV, ACCUSATION OF**S148448**

Petition denied

(accusation)

MICHAEL, ACCUSATION OF**S148704**

Petition denied

(accusation)

STEPHENS, ACCUSATION OF**S148769**

Petition denied

(accusation)

CHO, ACCUSATION OF**S148896**

Petition denied

(accusation)

KELLEY, ACCUSATION OF

George, C. J., was recused and did not participate.

S148954

Petition denied

(accusation)

HOLTSINGER, ACCUSATION OF**S149078**

Petition denied

(accusation)

FELDMAN, ACCUSATION OF**S149081****FELDMAN, ACCUSATION OF**

Petition denied (accusation)

S149159

Petition denied (accusation)

CHO, ACCUSATION OF

S149214

Petition denied (accusation)

VOGT, ACCUSATION OF

S149215

Petition denied (accusation)

BIBBS, ACCUSATION OF

S149220

Petition denied (accusation)

MARTINEZ, ACCUSATION OF

S149232

Petition denied (accusation)

CABRELLIS, ACCUSATION OF

S149342

Petition denied (accusation)

**MONTIJO, SR., ACCUSATION
OF**

